

From: Kelly, Rose [Rose.Kelly@ex.cityofchicago.org]
Sent: Wednesday, September 01, 2010 1:40 PM
To: Bender, Judith M.; Scouffas, Nicholas S., Sr.
CC: Libby, Jason A.; Scudiero, Patti
Subject: RE: Franzese FFL Application

Hi Judith

I have also included our Zoning Administrator on the email list. Section 17-2-0204 of the city's zoning code provides, as follows:

17-2-0204 Prohibited Uses. Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

The list of permitted uses for a residential district is found in section 17-2-0207. A gun shop is not listed as a permitted use, therefore it is prohibited.

Let me know if you need more info.

M. Rose Kelly
Sr. Counsel
Dept. of Law
City of Chicago

From: Bender, Judith M. [Judith.M.Bender@usdoj.gov]
Sent: Wednesday, September 01, 2010 11:26 AM
To: Kelly, Rose; Scouffas, Nicholas S., Sr.
Cc: Libby, Jason A.
Subject: RE: Franzese FFL Application

Yes, I need to know the cite number of the ordinance that states what is NOT allowed in an area zoned as residential, which I am assuming that address is.

Judy Bender



From: Kelly, Rose [mailto:rose.kelly@cityofchicago.org]
Sent: Wednesday, September 01, 2010 11:10 AM
To: Bender, Judith M.; Scouffas, Nicholas S., Sr.
Cc: Libby, Jason A.
Subject: RE: Franzese FFL Application

I am sorry, but I am not sure I understand your question. Are you asking for the type of use district (residential) and uses that are permitted in such zones?

From: Bender, Judith M. [Judith.M.Bender@usdoj.gov]
Sent: Wednesday, September 01, 2010 10:56 AM
To: Kelly, Rose; Scouffas, Nicholas S., Sr.
Cc: Libby, Jason A.
Subject: RE: Franzese FFL Application

I'm sorry, but can I get the exact zoning ordinance? Number and cite? That would help when I write up

Judy Bender



From: Kelly, Rose [mailto:rose.kelly@cityofchicago.org]
Sent: Wednesday, September 01, 2010 10:55 AM
To: Scouffas, Nicholas S., Sr.
Cc: Bender, Judith M.; Libby, Jason A.
Subject: RE: Franzese FFL Application

Yes, on both questions. Thanks for all your help.

Rose

From: Scouffas, Nicholas S., Sr. [Nicholas.S.Scouffas@usdoj.gov]
Sent: Wednesday, September 01, 2010 10:31 AM
To: Kelly, Rose
Cc: Bender, Judith M.; Libby, Jason A.
Subject: RE: Franzese FFL Application

Ms. Kelly, thank you for the quick response. Can we assume that Mr. Franzese's firearms business at the location noted in his application would be prohibited by the city based both on the firearms ordinance as well as zoning restrictions?

Thanks for all your help. Nick Scouffas

From: Kelly, Rose [mailto:rose.kelly@cityofchicago.org]
Sent: Monday, August 30, 2010 9:28 AM
To: Scouffas, Nicholas S., Sr.
Cc: Forti, Michael; Worseck, Andrew
Subject: RE: Franzese FFL Application

Mr. Scouffas

To confirm our conversation, the City of Chicago does have an ordinance which prohibits the retail sale of firearms in the city and the city does intend to enforce that ordinance. We will send a representative to confirm that statement at an administrative hearing, if such a hearing is held.

Let me know if you need any further information or assistance.

M. Rose Kelly
Sr. Counsel
Dept. of Law

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From: Scouffas, Nicholas S., Sr. [Nicholas.S.Scouffas@usdoj.gov]
Sent: Wednesday, August 25, 2010 9:40 AM

To: Kelly, Rose
Cc: Libby, Jason A.; Bender, Judith M.
Subject: Franzese FFL Application

Rose Kelly, during our meeting on Thursday we explained that the Gun Control Act obligates us to verify State and local compliance when deciding if we will approve or deny firearms business license applications. We indicated that if we find an apparent conflict with a State or local law or ordinance, we verify with the appropriate authority that there is a conflict, that the ordinance or law is, in fact enforced and we must have that authority commit to sending a representative to any denial hearing we have to confirm all of this information formally. We can then deny the application, in whole or in part, based on the fact that the applicant's business would violate State or local requirements.

You said during our meeting that the city of Chicago does have restrictions under several ordinances or licensing requirements that would prohibit city approval of the license sought by Mr. Franzese at the location shown on his application for a Federal firearms dealer license. You confirmed that you will enforce those ordinances. You also said the city would be willing to supply confirmation of this if the license application is denied and a hearing is requested. However, you asked if a statement certifying to all of this would suffice in lieu of someone from the city attending the hearing to testify. We told you we would look into that and see if it is a viable option.

We could find no evidence that a certified statement had ever been used in a denial hearing in lieu of a representative's testimony. Nor could we find any written requirement that confirmation need be provided by a local representative personally appearing at the hearing. What we all agree upon is that not appearing at the hearing could jeopardize this element of the grounds for denial. Thus, we would have to consider not using that element if the city would be unwilling to provide a representative who could confirm the city's position regarding the application.

I hope this answers your question fully. If not, please give me a call (630-725-5297) or email me and I will be glad to discuss this further.

Thank you again for meeting with us last week.

Nick Scouffas

Chicago Area Supervisor

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